

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

MARIO MARTINEZ on behalf of himself and all other persons similarly situated, known and unknown,

Plaintiff,

V.

DELKO CONSTRUCTION COMPANY
and **DEMETRIOS L. KOZONIS**, individually

Defendants.

Case No. 08 CV 896

Honorable John W. Darrah
Judge Presiding

NOTICE OF MOTION

TO: Iain D. Johnston
Johnston Greene LLC
542 S. Dearborn St. Suite 1310
Chicago, IL 60605

PLEASE TAKE NOTICE that on August 19, 2008 at 9:00 am, we shall appear before Judge Darrah, in the Courtroom usually occupied by him in the U.S. District Court for the Northern District of Illinois, Eastern Division, 219 South Dearborn Street, Chicago, Illinois, and shall then and there present **Plaintiff's Fed.R.Civ. P 12(f) Motion to Strike Defendants' Affirmative Defense**, a copy of which is attached hereto and hereby served upon you.

Respectfully submitted,

Dated: July 8, 2008

s/John E. Untereker
JOHN E. UNTEREKER
Working Hands Legal Clinic
77 W. Washington, Suite 1402
Chicago, Illinois 60602
312/795-9115
Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that a true and correct copy of the foregoing **Plaintiff's Fed.R.Civ. P 12(f) Motion to Strike Defendants' Affirmative Defense** was served via electronic mail on July 8, 2008 on:

Iain D. Johnston
Johnston Greene LLC
542 South Dearborn St., Suite 1310
Chicago, IL 60605
(312) 341-3900

s/John E. Untereker
John E. Untereker